

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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NICHOLAS SANDS, and SANDS & COMPANY, INC.,

07 CIV 9824

Plaintiffs,

-against-

Judge Robert Sweet

LEONARD BERNSTEIN and JANE HOLMES BERNSTEIN,

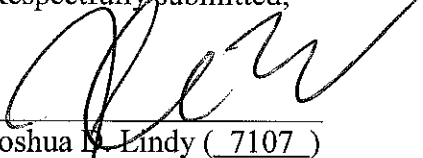
Defendants.
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DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Defendants **LEONARD BERNSTEIN and JANE HOLMES BERNSTEIN**, respectfully move this Court pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment as to all issues and all claims. In support of this motion, defendant relies upon the accompanying memorandum, affidavit of **LEONARD BERNSTEIN**, and statement of undisputed material facts. The pleadings and the evidence reveal that no genuine issues of material fact exist, and the defendants stand entitled to judgment as a matter of law. Or, in the alternative, the defendants respectfully request the right to amend their answer to assert a counter-claim against SANDS for conversion.

Dated: New York, New York
July 11, 2008

Respectfully submitted,



Joshua N. Lindy (7107)

BRODY, BENARD & BRANCH LLP

Attorneys for Defendants

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